

1 BILAL A. ESSAYLI
United States Attorney
2 DAVID M. HARRIS
Assistant United States Attorney
3 Chief, Civil Division
JOANNE S. OSINOFF
4 Assistant United States Attorney
Chief, Complex and Defensive Litigation Section
5 PAUL (BART) GREEN (Cal. Bar No. 300847)
ALEXANDER L. FARRELL (Cal. Bar No. 335008)
6 Assistant United States Attorneys
Federal Building, Suite 7516
7 300 North Los Angeles Street
Los Angeles, California 90012
8 Telephone: (213) 894-0805 / -5557
Email: Paul.Green@usdoj.gov
9 Alexander.Farrell@usdoj.gov

10 Attorneys for Defendants

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 EASTERN DIVISION
14

15 STUDENT DOE #1,
16 Plaintiff,
17 v.
18 KRISTI NOEM, in her official capacity
as Secretary of Homeland Security; *et*
19 *al.*,
20 Defendants.

No. 5:25-cv-00847-SSS-SHK

**STIPULATION RE: RE-ACTIVATION
OF SEVIS RECORD AND DISMISSAL**

[Proposed Order filed concurrently]

Honorable Sunshine S. Sykes
United States District Judge

1 IT IS HEREBY STIPULATED by and between the parties, through their counsel
2 of record, subject to Court approval, that:

3 1. The Student and Exchange Visitor Information System (“SEVIS”) record
4 for Plaintiff Student Doe #1 (“Plaintiff”) has been set back to “active” by the Student and
5 Exchange Visitor Program (“SEVP”) within Homeland Security Investigations (“HSI”)
6 at U.S. Immigration and Customs Enforcement (“ICE”).

7 2. The reactivation of Plaintiff’s SEVIS record shall be considered retroactive
8 to the date of its initial termination, such that there is no gap or lapse in the Plaintiff’s
9 SEVIS record. Although the event history will memorialize whatever modifications are
10 made to the SEVIS account, the effect of this retroactive activation is as though the
11 termination did not happen.

12 3. To the extent Plaintiff is participating in Optional Practical Training
13 (“OPT”), or the Science, Technology, Engineering, and Math (“STEM”) OPT extension,
14 or Curricular Practical Training (“CPT”), any authorization end date for OPT, STEM
15 OPT, or CPT has been reset to the end date set forth in the Plaintiff’s SEVIS record
16 before its termination.

17 4. ICE will not, under its new SEVIS policy announced April 26, 2025 or
18 otherwise, re-terminate the Plaintiff’s SEVIS records based solely on the National Crime
19 and Information Center (“NCIC”) record that led to the initial termination or on any
20 related prudential visa revocation that is effective upon departure (as set forth in
21 Paragraph 5). However, ICE maintains the authority to terminate a SEVIS record for
22 other reasons, such as if a student fails to maintain his or her nonimmigrant status after
23 the record is reactivated or engages in other unlawful activity that would render him or
24 her removable from the United States under the Immigration and Nationality Act
25 (“INA”).

26 5. A visa revocation that is effective upon departure rather than immediately
27 does not establish removability under INA § 237(a)(1)(B), and therefore is not, in itself,
28 a basis for termination of the SEVIS record under the new SEVIS policy.

1 6. Pursuant to INA § 221(i), notice of a visa revocation must be communicated
2 to the Department of Homeland Security. DHS has not received any communication
3 from the Department of State that Plaintiff's visa has been revoked with immediate
4 effect. As such, it is understood that Plaintiff's visa revocation is effective upon
5 departure.

6 7. The termination and reactivation of Plaintiff's SEVIS record by SEVP, as
7 set forth in Paragraph 1 of this Stipulation, will not, in itself, have a negative impact on
8 the adjudication of any benefit request by United States Citizenship and Immigration
9 Services ("USCIS"). If, while adjudicating an immigration benefit request, USCIS finds
10 that an F-1 nonimmigrant's SEVIS record was terminated and then reactivated by ICE,
11 USCIS will continue processing the benefit request according to all applicable laws,
12 regulations, policies, and procedures.

13 8. To the extent USCIS issues a request for evidence, notice of intent to deny,
14 or denial based in whole or part on the termination and reactivation of Plaintiff's SEVIS
15 record, counsel for Defendant agree to cooperate with Plaintiff's counsel to ensure
16 USCIS is aware of this Stipulation and its terms in connection with its consideration or
17 reconsideration of Plaintiff's benefits request.

18 9. Defendant shall communicate this Stipulation to the Department of State.

19 10. Plaintiff shall dismiss this action with prejudice. Such dismissal does not
20 preclude future claims that may arise or accrue from actions after the date of this
21 Stipulation or claims unrelated to those asserted by Plaintiff in this action. Each party
22 shall bear its own fees and costs.

Respectfully submitted,

Dated: June 25, 2025

BILAL A. ESSAYLI
United States Attorney
DAVID M. HARRIS
Assistant United States Attorney
Chief, Civil Division
JOANNE S. OSINOFF
Assistant United States Attorney
Chief, Complex and Defensive Litigation Section

/s/ Paul (Bart) Green
PAUL (BART) GREEN
ALEXANDER L. FARRELL
Assistant United States Attorneys
Attorneys for Defendants

Dated: June 25, 2025

STACY TOLCHIN
Law Offices of Stacy Tolchin
KHALED ALRABE
National Immigration Project of the National
Lawyers Guild (NIPNLG)
ANNE LAI
UC Irvine School of Law – Immigrant Rights
Clinic

/s/ Anne Lai
ANNE LAI*

Attorneys for Plaintiff

*Pursuant to Local Rule 5-4.3.4(2), the filer attests that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.